

1975-12-15: [SUCCESSION TAXES] Feudal Duties and Feudal Privileges 15 Mars 1790

[Comment on Aron, Lois Success Rey. 471, on Merlin's views]

Merlin's principle was "ceasing the cause, ceasing the effect," led to conclusion that quondam feudal holdings were now veritable *alleus*.

--In a strange way, the conditional holding of a fief is rendered absolute and more unrestrained than ever. But this was lost to historical view, since the conditional holding of a fief, in order to guarantee military or jurisdictional power, had long since lapsed. What remained, and was being attacked here, is the vestige of the descending, rather than ascending, aspect of feudalism: i.e., how it affected the occupants of the fief rather than the king or other lord above the fief's owner.

--In a grand sense, the limitations upon feudal holdings of the Middle Ages, in terms of service to the crown or other lord had long disappeared while the power of the feudal lord over his inhabitants had become sanctioned in the law. This took place chiefly in the 15th and 16th centuries, at which time it was a great re-division of property rights (in the meaningful usufructuary sense, with right of selling); but by the 18th century these benefits are taken for granted, and as natural, while the remaining vestiges of feudal privileges in land holding were regarded as unnatural. They had been made unnatural by the working of time that rendered the basic *dominium utile* as natural.

--Taking view that revolutions are wrought by the upward bound, then the destruction of feudal privileges in land holding are the final phase of the new proprietary class's conquest of land. It is done more for sense of Status, of escaping the derogating aspect of *frankfief* or the like, or of banalities, than for important economic reasons. That had long since been won. The only question I can't answer, though I know it's said, is that there was a resurgence of feudal dues, etc., in 18th century that aroused opposition; this would make it a fading anomaly that became a flagrant one.